



Journal of the Senate

State of Indiana

114th General Assembly

Second Regular Session

Twenty-first Meeting Day

Monday Afternoon

February 20, 2006

The Senate convened at 2:04 p.m., with the President of the Senate, Rebecca S. Skillman, in the Chair.

The Senate Reader was directed to read the previously read section of the District Court's Order in *Hinrichs v. Bosma*, as set out in full in the Senate Journal of January 9, 2006.

Silent prayer followed the reading.

The Pledge of Allegiance to the Flag was led by the President of the Senate.

The Chair ordered the roll of the Senate to be called. Those present were:

Alting	Long
Becker	Lubbers
Bowser	Lutz
Bray	Meeks
Breaux	Merritt
Broden	Miller
Craycraft	Mishler
Delph	Mrvan
Dillon	Nugent
Drozda	Paul
Ford	Riegsecker
Gard	Rogers
Garton	Simpson
Harrison	Sipes
Heinold	Skinner
Hershman	Smith
Howard	Steele
Hume	Tallian
Jackman	Waltz
Kenley	Waterman
Kruse	Weatherwax
Lanane	Wyss
Landske	Young, M.
Lawson	Young, R.
Lewis	Zakas

Roll Call 195: present 50. The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Economic Development and Technology Committee, to which was referred Senate Resolution 9, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said resolution do pass.

Committee Vote: Yeas 8, Nays 0.

FORD, Chair

Report adopted.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolutions 23, 25, and 35 and the same are herewith transmitted for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Senate Concurrent Resolutions 18 and 34 and the same are herewith returned to the Senate.

M. CAROLINE SPOTTS
Principal Clerk of the House

RESOLUTIONS ON SECOND READING

Senate Concurrent Resolution 25

Senator Hershman called up Senate Concurrent Resolution 25 for second reading. The resolution was read a second time by title and adopted by standing vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsors: Representatives Gutwein, Ayres, and Budak.

SENATE MOTION

Madam President: I move that Senators Alting, Becker, Bowser, Bray, Breaux, Broden, Craycraft, Delph, Dillon, Drozda, Ford, Gard, Garton, Harrison, Howard, Hume, Jackman, Kenley, Kruse, Lanane, Landske, Lawson, Lewis, Long, Lubbers, Lutz, Meeks, Merritt, Miller, Mishler, Mrvan, Nugent, Paul, Riegsecker, Rogers, Simpson, Sipes, Skinner, Smith, Steele, Tallian, Waltz, Waterman, Weatherwax, Wyss, M. Young, R. Young, and Zakas be added as cosponsors of Senate Concurrent Resolution 25.

HERSHMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Long be added as cosponsor of Engrossed House Bill 1010.

BRAY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Waterman be added as cosponsor of Engrossed House Bill 1234.

DILLON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Rogers and Lewis be added as cosponsors of Engrossed House Bill 1279.

HERSHMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Hershman be added as cosponsor of Engrossed House Bill 1025.

DROZDA

Motion prevailed.

2:16 p.m.

The Chair declared a recess until the fall of the gavel.

Recess

The Senate reconvened at 4:52 p.m., with Senator Garton in the Chair.

**ENGROSSED HOUSE BILLS
ON SECOND READING**

Engrossed House Bill 1006

Senator Lubbers called up Engrossed House Bill 1006 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 1006-1)

Madam President: I move that Engrossed House Bill 1006 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 20-26-9-2, AS ADDED BY P.L.1-2005, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. **(a) This subsection applies before July 1, 2007.** As used in this chapter, "qualifying school building" refers to a public school building in which:

- (1) at least twenty-five percent (25%) of the students who were enrolled at that school building during the prior school year qualified for free or reduced price lunches under guidelines established under 42 U.S.C. 1758(b); and
- (2) lunches are served to students.

(b) This subsection applies after June 30, 2007. As used in this chapter, "qualifying school building" refers to a public school building in which:

- (1) at least fifteen percent (15%) of the students who were enrolled at that school building during the prior school year qualified for free or reduced price lunches under guidelines established under 42 U.S.C. 1758(b); and**
- (2) lunches are served to students."**

Renumber all SECTIONS consecutively.

(Reference is to EHB 1006 as printed February 17, 2006.)

SIMPSON

Upon request of Senator Simpson the President ordered the roll of the Senate to be called. Roll Call 196: yeas 18, nays 32.

Motion failed. The bill was ordered engrossed.

Engrossed House Bill 1017

Senator Becker called up Engrossed House Bill 1017 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1023

Senator Heinold called up Engrossed House Bill 1023 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1025

Senator Drozda called up Engrossed House Bill 1025 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 1025-1)

Madam President: I move that Engrossed House Bill 1025 be amended to read as follows:

Page 3, line 41, strike "July 1,".

Page 3, line 41, delete "2012;" and insert "**January 1, 2014;**".

Page 3, line 42, strike "June 30,".

Page 3, line 42, delete "2012." and insert "**December 31, 2013.**".

(Reference is to EHB 1025, Digest Correction, as printed February 15, 2006.)

DROZDA

Motion prevailed. The bill was ordered engrossed.

Engrossed House Bill 1056

Senator Merritt called up Engrossed House Bill 1056 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1065

Senator Heinold called up Engrossed House Bill 1065 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1106

Senator Becker called up Engrossed House Bill 1106 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 1106-1)

Madam President: I move that Engrossed House Bill 1106 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 16-18-2-33.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 33.5. (a) "Basic life support", for purposes of IC 16-31, means the following:

- (1) Assessment of emergency patients.
- (2) Administration of oxygen.
- (3) Use of mechanical breathing devices.
- (4) Application of anti-shock trousers.
- (5) Performance of cardiopulmonary resuscitation.
- (6) Application of dressings and bandage materials.
- (7) Application of splinting and immobilization devices.
- (8) Use of lifting and moving devices to ensure safe transport.
- ~~(9) Use of an automatic or a semiautomatic defibrillator if the defibrillator is used in accordance with training procedures established by the Indiana emergency medical services commission.~~
- ~~(10)~~ (9) Administration by an emergency medical technician or emergency medical technician-basic advanced of epinephrine through an auto-injector.

~~(11)~~ (10) For an emergency medical technician-basic advanced, the following:

- (A) Electrocardiogram interpretation.
- (B) Manual external defibrillation.
- (C) Intravenous fluid therapy.

~~(12)~~ (11) Other procedures authorized by the Indiana emergency medical services commission, including procedures contained in the revised national emergency medical technician basic training curriculum guide.

(b) Except as provided by:

- (1) subsection ~~(a)(10)~~ (a)(9) and the training and certification standards established under ~~IC 16-31-2-9(4)~~; IC 16-31-2-9(3);
- (2) subsection ~~(a)(11)(C)~~; (a)(10)(C); and
- (3) the training standards established under ~~IC 16-31-2-9(5)~~; IC 16-31-2-9(4);

the term does not include invasive medical care techniques or advanced life support.

SECTION 2. IC 16-31-2-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. The commission shall establish the following:

- (1) Standards for persons who provide emergency medical services and who are not licensed or regulated under IC 16-31-3.
- ~~(2) Training and certification standards for the use of automatic and semiautomatic defibrillators by first responders.~~
- ~~(3)~~ (2) Training standards for the administration of antidotes, vaccines, and antibiotics to prepare for or respond to a terrorist or military attack.
- ~~(4)~~ (3) Training and certification standards for the administration of epinephrine through an auto-injector by:
 - (A) an emergency medical technician; or
 - (B) an emergency medical technician-basic advanced.
- ~~(5)~~ (4) Training standards to permit the use of antidote kits containing atropine and pralidoxime chloride for the treatment of exposure to nerve agents by an emergency medical technician-basic advanced, an emergency medical technician, or a first responder.

SECTION 3. IC 16-31-3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) Except as

provided in subsection (b), a person other than:

- (1) a licensed physician;
- (2) a registered nurse or an individual acting under the supervision of a licensed physician; or
- (3) a person providing health care in a hospital or an ambulatory outpatient surgical center licensed under IC 16-21;

may not furnish, operate, conduct, maintain, advertise, or otherwise be engaged in providing emergency medical services, **except for the use of an automated external defibrillator**, as a part of the regular course of doing business, either paid or voluntary, unless that person holds a valid certificate issued by the commission.

(b) A:

- (1) licensed physician;
- (2) registered nurse or an individual acting under the supervision of a licensed physician; or
- (3) person providing health care in a hospital or an ambulatory outpatient surgical center licensed under IC 16-21;

who operates a business

- ~~(A)~~ of transporting emergency patients by ambulance or
- ~~(B)~~ using a nontransporting emergency medical services vehicle

must hold a valid certificate issued by the commission under this article."

Renumber all SECTIONS consecutively.

(Reference is to EHB 1106 as printed February 17, 2006.)

DILLON

Motion prevailed. The bill was ordered engrossed.

Engrossed House Bill 1108

Senator Long called up Engrossed House Bill 1108 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1112

Senator Kenley called up Engrossed House Bill 1112 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1113

Senator Bray called up Engrossed House Bill 1113 for second reading. The bill was read a second time by title.

SENATE MOTION (Amendment 1113-1)

Madam President: I move that Engrossed House Bill 1113 be amended to read as follows:

Page 2, line 24, after "**obesity**;" insert "**or**".

Page 2, line 25, delete ";" and insert ".".

Page 2, delete lines 26 through 30.

(Reference is to EHB 1113 as printed February 17, 2006.)

BRODEN

Motion failed. The bill was ordered engrossed.

Engrossed House Bill 1124

Senator Drozda called up Engrossed House Bill 1124 for second

reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 1124-2)

Madam President: I move that Engrossed House Bill 1124 be amended to read as follows:

Page 2, line 22, after "board," insert "**not later than December 31, 2007, and**".

(Reference is to EHB 1124 as printed February 15, 2006.)

DROZDA

Motion prevailed. The bill was ordered engrossed.

Engrossed House Bill 1209

Senator Dillon called up Engrossed House Bill 1209 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1232

Senator Bray called up Engrossed House Bill 1232 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1236

Senator Wyss called up Engrossed House Bill 1236 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1267

Senator Harrison called up Engrossed House Bill 1267 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

**STATEMENT OF THE PRESIDENT
PRO TEMPORE OF THE SENATE
CONCERNING EHB 1279**

The Chair notes that Senator Delph is excused from voting on Engrossed House Bill 1279, pursuant to the Report of the Committee on Ethics adopted on February 13, 2006, and asks that it be so recorded in the Journal of the Senate.

GARTON

Engrossed House Bill 1279

Senator Hershman called up Engrossed House Bill 1279 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 1279-1)

Madam President: I move that Engrossed House Bill 1279 be amended to read as follows:

Page 74, line 17, delete "obligations:" and insert "**obligations incurred by the provider under the terms and conditions of the terminated local franchise that are owed to any private person, including a subscriber.**".

Page 74, delete lines 18 through 20.

(Reference is to EHB 1279 as printed February 17, 2006.)

HERSHMAN

Motion prevailed.

SENATE MOTION
(Amendment 1279-2)

Madam President: I move that Engrossed House Bill 1279 be amended to read as follows:

Page 15, line 7, after "determines" insert "**in accordance with IC 8-1-2-113**".

Page 48, line 1, before "complaint" insert "**verified**".

Page 55, line 11, after "declare" insert "**in accordance with IC 8-1-2-113**".

(Reference is to EHB 1279 as printed February 17, 2006.)

HERSHMAN

The Chair ordered a division of the Senate. Yeas 32, nays 17.

Motion prevailed.

SENATE MOTION
(Amendment 1279-4)

Madam President: I move that Engrossed House Bill 1279 be amended to read as follows:

Page 92, between lines 6 and 7, begin a new paragraph and insert: "**SECTION 65. [EFFECTIVE JULY 1, 2006] (a) The definitions in IC 8-1-2.6 apply to this SECTION.**

(b) As used in this SECTION, "committee" refers to the regulatory flexibility committee established by IC 8-1-2.6-4.

(c) For purposes of this SECTION, a rate charged by a telecommunications provider is considered predatory if, for purposes of reporting to taxing authorities, the rate charged for a particular service is not set at or above the service's long run incremental cost.

(d) For the period beginning July 1, 2006, and ending June 30, 2008, the committee shall conduct an analysis of the rates charged by the telecommunications industry in Indiana for any service provided at the wholesale or retail level.

(e) The committee shall make a record of each instance of predatory pricing identified by the committee during the course of the analysis required under this SECTION.

(f) The committee shall report the findings of the analysis required under this SECTION to the legislative council before November 1, 2008. The report must include the committee's recommendation's, if any, for regulatory or legislative intervention.

(g) The report and recommendations issued under this SECTION to the legislative council must be in an electronic format under IC 5-14-6.

(h) This SECTION expires January 1, 2009."

Renumber all SECTIONS consecutively.

(Reference is to EHB 1279 as printed February 17, 2006.)

HERSHMAN

Motion prevailed.

SENATE MOTION
(Amendment 1279-5)

Madam President: I move that Engrossed House Bill 1279 be

amended to read as follows:

Page 22, between lines 25 and 26, begin a new line block indented and insert:

"(14) Fulfill the commission's duties under any state or federal law concerning the administration of any universally applicable dialing code for any communications service."

(Reference is to EHB 1279 as printed February 17, 2006.)

HERSHMAN

Motion prevailed.

SENATE MOTION
(Amendment 1279-6)

Madam President: I move that Engrossed House Bill 1279 be amended to read as follows:

Page 66, between lines 36 and 37, begin a new paragraph and insert:

"Sec. 9. (a) Except as provided in subsection (b), the owner, operator, or developer of multitenant real estate located in a service area in which one (1) or more communications service providers are authorized to provide communications service may not do any of the following:

(1) Prevent a communications service provider from installing on the premises communications service equipment that an occupant requests.

(2) Interfere with a communications service provider's installation on the premises of communications service equipment that an occupant requests.

(3) Discriminate against a communications service provider or impose unduly burdensome conditions on the terms, conditions, and compensation for a communications service provider's installation of communications service equipment on the premises.

(4) Demand or accept an unreasonable payment from:

(A) an occupant; or

(B) a communications service provider;

in exchange for allowing the communications service provider access to the premises.

(5) Discriminate against or in favor of an occupant in any manner, including charging higher or lower rental charges to the occupant, because of the communications service provider from which the occupant receives communications service.

(b) This section does not prohibit the owner, operator, or developer of multitenant real estate from doing any of the following:

(1) Imposing a condition on a communications service provider that is reasonably necessary to protect:

(A) the safety, security, appearance, or condition of the property; or

(B) the safety and convenience of other persons.

(2) Imposing a reasonable limitation on the hours during which a communications service provider may have access to the premises to install communications service equipment.

(3) Imposing a reasonable limitation on the number of communications service providers that have access to the

premises, if the owner, operator, or developer can demonstrate a space constraint that requires the limitation.

(4) Requiring a communications service provider to agree to indemnify the owner, operator, or developer for damage caused by installing, operating, or removing communications service equipment on or from the premises.

(5) Requiring an occupant or a communications service provider to bear the entire cost of installing, operating, or removing communications service equipment.

(6) Requiring a communications service provider to pay compensation for access to or use of the premises, as long as the compensation is:

(A) reasonable; and

(B) nondiscriminatory;

among communications service providers.

(c) For purposes of this subsection, an "affected person" includes the following:

(1) An occupant that is a current or potential subscriber of communications service on the premises of multitenant real estate.

(2) A unit in which multitenant real estate is located, acting on behalf of:

(A) a person described in subdivision (1); or

(B) other similarly situated persons.

(3) A communications service provider.

An affected person that alleges a violation of this section by the owner, operator, or developer of multitenant real estate may seek equitable or compensatory relief in a court having jurisdiction. The party prevailing in any action filed under this section is entitled to recover the costs of the action, including reasonable attorney's fees as determined by the court.

Sec. 10. The commission may adopt rules under IC 4-22-2 to implement this chapter."

(Reference is to EHB 1279 as printed February 17, 2006.)

HERSHMAN

Motion prevailed.

SENATE MOTION
(Amendment 1279-7)

Madam President: I move that Engrossed House Bill 1279 be amended to read as follows:

Page 5, line 37, delete "stand alone telephone" and insert "telephone exchange service (as defined in 47 U.S.C. 153(47)) that is provided to a customer through the customer's primary line.

(b) The term includes, at a minimum, the following:

(1) Voice grade access to the public switched telephone network with minimum bandwidth of three hundred (300) to three thousand (3,000) hertz.

(2) Dual tone multifrequency signaling and single party service.

(3) Unlimited local calling within the same local service area (as defined in 170 IAC 7-1.2-2(25)) available to a similarly situated customer on January 1, 2006.

(4) Access to:

(A) emergency services, including access to 911 and enhanced 911 if provided by the local government having jurisdiction in the service area;

(B) operator services;
 (C) local directory assistance;
 (D) telephone relay services; and
 (E) interexchange service.
 (5) Toll limitation services for qualifying low income customers.
 (c) The term does not include the following:
 (1) A functionally equivalent service provided by a person or an entity described in IC 8-1-2-1.1.
 (2) A monthly rate structure for local exchange telephone service based on usage.
 (d) A service described in this section is a basic telecommunications service regardless of whether the service is purchased by the customer:
 (1) in conjunction with another service;
 (2) as part of:
 (A) a package or bundle of services;
 (B) a promotion; or
 (C) a contract; or
 (3) at a discounted price".
 Page 5, delete lines 38 through 42.
 Page 6, delete lines 1 through 21.
 Page 6, line 32, delete "service, except when the service" and insert "service";.
 Page 6, delete lines 33 through 37.
 Page 9, line 12, delete "(a) As used in this section," and insert "**A provider that offers basic telecommunications service in Indiana:**
 (1) must offer a flat monthly rate with unlimited local calling for basic telecommunications service in each local exchange area in Indiana in which the provider offers basic telecommunications service; and
 (2) may not, in any local exchange area in Indiana in which the provider offers basic telecommunications service, offer any service plan for basic telecommunications service that includes measured local service.".
 Page 9, delete lines 13 through 42.
 Delete pages 10 through 12.
 Page 13, delete lines 1 through 19.
 Page 13, line 22, delete "Except as provided in" and insert "**Notwithstanding any other provision of this chapter, the commission shall continue to exercise jurisdiction over the rates, terms, and conditions of service for basic telecommunications service.**".
 Page 13, delete lines 23 through 25.
 Page 19, line 40, delete "1.2, 1.4," and insert "**1.2**".
 Page 19, line 41, delete "following both during and after the rate" and insert "**following**".
 Page 19, line 42, delete "transition period described in section 1.3 of this chapter".
 Page 22, line 27, after "to" insert "**nonbasic telecommunications service offered by**".
 Page 23, line 1, after "over" insert "**nonbasic telecommunications service offered by**".
 Page 23, line 31, after "of the" insert "**commission; or**".
 Page 23, delete lines 32 through 33.
 Page 23, line 41, delete "IC 8-1-17-22.5 at any time during the" and insert "**IC 8-1-17-22.5**".

Page 23, delete line 42.
 Page 24, delete lines 1 through 3.
 Page 47, line 24, after "to" insert "**nonbasic telecommunications service offered by**".
 Page 52, line 18, delete "using any available" and insert "**using:**
 (1) **basic telecommunications service; or**
 (2) **any other available technology acceptable to the affected customer.**".
 Page 52, delete line 19.
 Page 90, delete lines 21 through 35.
 Renumber all SECTIONS consecutively.
 (Reference is to EHB 1279 as printed February 17, 2006.)

FORD

Upon request of Senator Becker the President ordered the roll of the Senate to be called. Roll Call 197: yeas 22, nays 27.

Motion failed.

SENATE MOTION
 (Amendment 1279-8)

Madam President: I move that Engrossed House Bill 1279 be amended to read as follows:

Page 5, delete lines 34 through 42.
 Page 6, delete lines 1 through 21, begin a new paragraph and insert: "SECTION 6. IC 8-1-2.6-0.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 0.1. (a) As used in this chapter, "basic telecommunications service" means telephone exchange service (as defined in 47 U.S.C. 153 (47)) that is provided to a customer through the customer's primary line.**
(b) The term includes, at a minimum, the following:
 (1) Voice grade access to the public switched telephone network with minimum bandwidth of three hundred (300) to three thousand (3,000) hertz.
 (2) Dual tone multifrequency signaling and single party service.
 (3) Unlimited local calling within the same local service area (as defined in 170 IAC 7-1.2-2(25)) available to a similarly situated customer on January 1, 2006.
 (4) Access to:
 (A) emergency services, including access to 911 and enhanced 911 if provided by the local government having jurisdiction in the service area;
 (B) operator services;
 (C) local directory assistance;
 (D) telephone relay services; and
 (E) interexchange service.
 (5) Toll limitation services for qualifying low income customers.
(c) The term does not include:
 (1) a functionally equivalent service provided by a person or an entity described in IC 8-1-2-1.1.
 (2) a monthly rate structure for local exchange telephone service based on usage.
(d) A service described in this section is a basic telecommunications service regardless of whether the service is purchased by the customer:

- (1) in conjunction with another service;
- (2) as part of a package or bundle of services, a promotion, or a contract; or
- (3) at an otherwise discounted price."

Page 6, delete lines 27 through 42.

Page 7, delete lines 1 through 6, begin a new paragraph and insert: "SECTION 8. IC 8-1-2.6-0.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 0.3. (a) As used in this chapter, "nonbasic telecommunications service" means retail telecommunications service other than:

- (1) basic telecommunications service;
- (2) commercial mobile radio service (as defined in 47 CFR 51.5);
- (3) services outside the jurisdiction of the commission under section 1.1 of this chapter; and
- (4) switched and special access services."

Page 13, delete lines 20 through 25, and insert: "SECTION 17. IC 8-1-2.6-1.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1.4. (a) The term "effective competition", as used in this chapter, means the local exchange area:

- (1) is served by at least two, unaffiliated providers;
- (A) each of which offers basic telecommunications service to at least fifty percent (50%) of the households located in the local exchange area; and

(B) the number of households subscribing to basic telecommunications service offered by providers, other than the largest provider of basic telecommunications service in the local exchange area, exceeds fifteen percent (15%) of the households in the local exchange area; or

- (2) is served by at least;
- (A) one (1) provider that offers basic telecommunications service throughout the local exchange area; and

(B) one (1) unaffiliated provider that:

(i) offers nonbasic telecommunications service to at least fifty percent (50%) of the households located in the local exchange area; and

(ii) the number of households subscribing to basic telecommunications service offered by providers is less than 85 percent (85%) of the households located in the local exchange area.

(b) Except as provided in sections 1.5(c), 12 and 13 of this chapter, after June 30, 2009, the commission shall not exercise jurisdiction over:

(1) the price, terms, and conditions of basic telecommunications service; or

(2) any provider of basic telecommunications service; in a local exchange area in which the commission finds, after notice and hearing that a provider is subject to effective competition.

Page 18, line 29, delete "residential".

Page 18, line 31, delete "residential".

Page 18, line 35, delete "residential".

Page 22, line 26, delete "After" and insert "Except as provided in IC 8-1-2.6-1.4, after".

Page 90, delete lines 21 through 36.

Page 92, between lines 6 and 7, begin a new paragraph and insert: "SECTION 65. [EFFECTIVE UPON PASSAGE] Within forty-five (45) days of the effective date of this Act, or in the first billing statement in which the rate change is effective, whichever comes first, a communications service provider that offers telecommunications service in one or more local exchange areas shall furnish written notice of any rate change resulting from this Act to its affected customers that fairly summarizes the nature and extent of the rate change."

Renumber all SECTIONS consecutively.

(Reference is to EHB 1279 as printed February 17, 2006.)

LANANE

Upon request of Senator Lanane the President ordered the roll of the Senate to be called. Roll Call 198: yeas 18, nays 31.

Motion failed. The bill was ordered engrossed.

Engrossed House Bill 1286

Senator Waterman called up Engrossed House Bill 1286 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1287

Senator Landske called up Engrossed House Bill 1287 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1299

Senator Paul called up Engrossed House Bill 1299 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1300

Senator Wyss called up Engrossed House Bill 1300 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 1300-1)

Madam President: I move that Engrossed House Bill 1300 be amended to read as follows:

Page 5, delete lines 10 through 12.

(Reference is to EHB 1300 as printed February 17, 2006.)

WYSS

Motion prevailed. The bill was ordered engrossed.

Engrossed House Bill 1323

Senator Kruse called up Engrossed House Bill 1323 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1327

Senator Kenley called up Engrossed House Bill 1327 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 1327-1)

Madam President: I move that Engrossed House Bill 1327 be amended to read as follows:

Page 2, line 10, after "2004," insert "**and before January 1, 2006,**".

Page 2, line 14, delete ";" and insert "**and for taxable years beginning after December 31, 2005, one thousand five hundred dollars (\$1,500) for each of the exemptions allowed under Section 151(c) of the Internal Revenue Code for a dependent that qualifies as a qualifying child (as defined in Section 152 of the Internal Revenue Code);**".

(Reference is to EHB 1327 as printed February 15, 2006.)

SIMPSON

Upon request of Senator Simpson the President ordered the roll of the Senate to be called. Roll Call 199: yeas 17, nays 33.

Motion failed. The bill was ordered engrossed.

Engrossed House Bill 1331

Senator Weatherwax called up Engrossed House Bill 1331 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1347

Senator Lubbers called up Engrossed House Bill 1347 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 1347-2)

Madam President: I move that Engrossed House Bill 1347 be amended to read as follows:

Page 6, between lines 31 and 32, begin a new paragraph and insert: "SECTION 8. IC 20-26-5-1, AS ADDED BY P.L.1-2005, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) A school corporation shall:

- (1) conduct an educational program for all children who reside within the school corporation in kindergarten (**subject to subsection (e)**) and in grades 1 through 12; and
- (2) provide each preschool child with a disability with an appropriate special education as required under IC 20-35-4-9 only if the general assembly appropriates state funds for preschool special education.

(b) A school corporation may:

- (1) conduct an educational program for adults and children at least fourteen (14) years of age who do not attend a program described in subsection (a);
- (2) provide instruction in vocational, industrial, or manual training;
- (3) provide libraries for the schools of the school corporation;
- (4) provide public libraries open and free for the use and benefit of the residents and taxpayers of the school corporation where permitted by law;
- (5) provide vacation school and recreational programs;

(6) conduct other educational or other activities as are permitted or required to be performed by law by any school corporation; and

(7) provide a school age child care program that operates during periods when school is in session for students who are enrolled in a half-day kindergarten program.

(c) A school corporation shall develop a written policy that provides for:

(1) the implementation of a school age child care program for children who attend kindergarten through grade 6 that, at a minimum, operates after the school day and may include periods before school is in session or periods when school is not otherwise in session (commonly referred to as a latch key program) and is offered by the school corporation; or

(2) the availability of the school corporation's buildings or parts of the school corporation's buildings to conduct the type of program described in subdivision (1) by a nonprofit organization or a for-profit organization.

(d) The written policy required under subsection (c) must address compliance with certain standards of reasonable care for children served by a child care program offered under subsection (c), including:

- (1) requiring the offering entity to acquire a particular amount of liability insurance; and
- (2) establishing maximum adult to child ratios governing the overall supervision of the children served.

If a school corporation implements a child care program as described in subsection (c)(1) or enters into a contract with an entity described in subsection (c)(2) to provide a child care program, the school corporation may not assess a fee for the use of the building, and the contract between the school corporation and the entity providing the program must be in writing. However, the school corporation may assess a fee to reimburse the school corporation for providing security, maintenance, utilities, school personnel, or other costs directly attributable to the use of the building for the program. In addition, if a school corporation offers a child care program as described in subsection (c)(1), the school corporation may assess a fee to cover costs attributable to implementing the program.

(e) Beginning with the 2008-2009 school year, a school corporation may offer a full-day kindergarten program in any school within the school corporation that has kindergarten classes. However, a parent may elect:

- (1) not to send a child to kindergarten; or**
- (2) to send a child to kindergarten for only a half day.**

(f) By 2011-2012 school year, each school corporation shall offer a full-day kindergarten program in any school within the school corporation that has kindergarten classes.

~~(g)~~ (g) The powers under this section are purposes as well as powers."

Renumber all SECTIONS consecutively.

(Reference is to EHB 1347 as printed February 17, 2006.)

SIMPSON

Upon request of Senator Simpson the President ordered the roll of the Senate to be called. Roll Call 200: yeas 17, nays 32.

Motion failed. The bill was ordered engrossed.

Engrossed House Bill 1368

Senator Meeks called up Engrossed House Bill 1368 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senator Garton yielded the gavel to Senator Lubbers.

Engrossed House Bill 1392

Senator Paul called up Engrossed House Bill 1392 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

SENATE MOTION

Madam President: I move that Engrossed House Bill 1267, which is eligible for third reading, be returned to second reading for purposes of amendment.

HARRISON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Zakas and Kruse be added as cosponsors of Engrossed House Bill 1414.

DELPH

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Zakas be added as cosponsor of Engrossed House Bill 1155.

LONG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Miller and Sipes be added as cosponsors of Engrossed House Bill 1347.

LUBBERS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Tallian be added as cosponsor of Engrossed House Bill 1065.

HEINOLD

Motion prevailed.

SENATE MOTION

Madam President: I move we adjourn until 1:30 p.m., Tuesday, February 21, 2006.

GARTON

Motion prevailed.

The Senate adjourned at 6:28 p.m.

MARY C. MENDEL
Secretary of the Senate

REBECCA S. SKILLMAN
President of the Senate